IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2551 of 2005

Between:

B. Niladri Raju, S/o. B. Narayana Raju
R/o.H.No. 5-312, Plot No. 456, Sooraram colony, IDA Jeedimetla, Hyderabad-500 055.

..... PETITIONER

AND

1. The Director (Commercial)

A.P. Central Power Distribution Company Limited,
Lakdi-ka-pul, Hyderabad.

2 The Divisional Engineer (Electrical)

A.P. Central Power Distribution Copany Limited,
City I, Mint Compound, Hyderabad.

3 The Asst. Engineer - Operations,

A.P. Central Power Distribution Company Limited.,
Bachupally, Ranga Reddy DIstrict.

4 The Assistant Divisional , Operations,

A.P. Central Power Distribution Company Limited,
Jeedimelta, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ mandamus or any other appropriate writ declaring the action of the respondents in disconnecting the power supply to the service connection Nos. 0413 2820; 0413 2821 and 0413 1162 situated at House bearing No. 5-132, in Plot No. 456 Sooraram, Qutubullapur Mandal, Ranga Reddy District as illegal and arbitrary; and consequently direct the respondents to restore power supply to the service connection Nos. 0413 2820;

0413 2821 and 0413 1162 situated at House Bearing No. 5-132, in plot No. 456 Sooraram, Qutubullapur Mandal, Ranga Reddy District.

Co unsel for the Petitioner:MR.B.SHIVA KUMAR

Counsel for the Respondents: MR.V.AJAYAKUMAR

The Court at the admission stage made the following :

ORDER:

The petitioner is extended power supply through three separate Service Connections for the premises bearing No.5-132 in plot NO.456 of Sooraram Village, Qutubullapur Mandal, Ranga Reddy District. He states that the power supply was disconnected abruptly on 15.01.2001 without issuing any notice and even though a representation was made on 17.01.2005, no steps have been taken thereon.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

The Electricity Act, 2001 as well as the terms and conditions of supply prescribe the procedure to be followed by the electricity supplier, in case any instances of malpractice or pilferage on the part of a consumer are noticed. It is only after a notice is issued and the explanation is considered, that the actual liability of a consumer can be determined in this regard. There does not exist any justification for abruptly disconnecting the power supply. Even in a case where the consumer committed default in payment of bills, such fact has to be brought to his notice. The petitioner states that he has not been issued any notice before the power was disconnected.

Hence, the writ petition is disposed of, directing that the respondents shall restore the power supply to the petitioner forthwith and it shall be open to them to serve any notice or letter on the petitioner indicating reasons, if any, on account of which they intended to disconnect the power supply. There shall be no order as to costs.

15.02.2005

Jsu

To

1. The Director (Commercial)

   A.P. Central Power Distribution Company Limited,
   Lakdi-ka-pul, Hyderabad.

2. The Divisional Engineer (Electrical)

   A.P. Central Power Distribution Copany Limited,
   City I, Mint Compound, Hyderabad.

3. The Asst. Engineer - Operations,

   A.P. Central Power Distribution Company Limited.,
   Bachupally, Ranga Reddy DIstrict.

4. The Assistant Divisional , Operations,

   A.P. Central Power Distribution Company Limited,
   Jeedimelta, Ranga Reddy District.

5 2 CD copies